REMARKS

Claims 3-6, 13-19, 21-23, 28-34, 37-40, 46-52, 55-58, 65-72, 75-78, 85-91, 94-97, 104-111, 1114-117, 124-130, 133-136, 143-150, 153-156 and 163-170 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

If the Examiner relies on a new ground of rejection or a new reference in rejecting the Claims in the next Office Action, a Final Office Action would not be appropriate since there are no amendments that change the scope of the claims. Under present practice, second or subsequent actions on the merits shall be final, except where the Examiner introduces a new ground of rejection that is not necessitated by Applicant's amendment of the claims. **See MPEP § 706.07(a).**

CLAIM OBJECTIONS

Claims 68 and 69 are objected to for certain informalities. Applicant amended these claims according to the Examiner's suggestions.

INVALID PRIOR ART

Initially, Applicant respectfully notes that the present application claims priority to U.S. Provisional Patent Application No. 60/256,116, filed December 15, 2000, which fully supports the features recited in the present claims. Applicant respectfully notes that Huff (U.S. Pat. No. 7,068,609) has a filing date of July 26, 2001. In other words, the effective filing date of the present application predates the filing date of Huff.

Accordingly, Applicant respectfully submits that Huff is not a valid prior art reference under 35 U.S.C. § 103.

REJECTION UNDER 35 U.S.C. § 103

Claims 3-6, 13-19, 37-40 and 46-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the applicant's admitted prior art (AAPA) in view of Booth et al. (U.S. Pat. No. 6,516,352) further in view of Huff (U.S. Pat. No. 7,068,609). This rejection is respectfully traversed.

With respect to claim 13, AAPA, either alone or in combination with Booth and Huff, fails to show, teach, or suggest that after the receiver of the second GBIC interface receives a second configuration ordered set from the transmitter of the first GBIC interface and the GBIC module stores in memory first configuration data of the first device that is contained in the second configuration ordered set, the transmitter of the first copper interface transmits a first fast link pulse (FLP) burst. In particular, the alleged combination fails to disclose when the transmitter transmits the first FLP burst relative to receiving the second configuration ordered set and stores the first configuration data.

As shown in an exemplary embodiment in FIG. 6 of the present application, a receiver receives a second configuration ordered set in step 106. First configuration data in the second configuration ordered set is stored in memory in step 108. A transmitter transmits a first FLP burst according to the first configuration data in step 110. In other words, the transmitter transmits the first FLP burst after receiving and storing the first configuration data.

The Examiner acknowledges that AAPA and Booth fail to disclose this limitation, and instead relies on Huff to disclose the FLP burst. Applicant respectfully submits that Huff still fails to make up for the deficiencies of AAPA and Booth.

For example, the Examiner repeatedly cites Column 6, Lines 14-17 of Huff in rejecting all claim limitations related to the FLP burst. Applicant respectfully submits that this cited portion of Huff fails to disclose anything other than an FLP burst. In other words, Huff fails to disclose, for example, that the FLP burst is transmitted after receiving and storing first configuration data from a second configuration ordered set as claim 13 recites. For example, the cited portion states:

> Auto-negotiation is performed between two interfaces by using the FLP's. In addition, the FLP's serve as a mechanism for carrying auto-negotation messages between two negotiating interfaces.

Applicant respectfully submits that the above cited portion fails to disclose that a first FLP burst is transmitted after receiving a second configuration ordered set and storing first configuration data as claim 13 recites. Neither the above cited portion nor any other portion of Huff appears to disclose this limitation.

Similarly, claim 28 recites that the transmitter of the first copper interface does not transmit a fast link pulse (FLP) burst until the transmitter of the first GBIC interface transmits the first configuration ordered set. Huff fails to disclose when the FLP burst is transmitted relative to any of the claimed configuration ordered sets.

Accordingly, Applicant respectfully submits that claim 13, as well as its dependent claims, should be allowable for at least the above reasons. Claims 28, 46, 65, 85, 104, 124, 143, and 163, as well as their corresponding dependent claims, should be allowable for at least similar reasons.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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